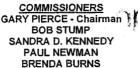
OPEN MEETING ITEM







ARIZONA CORPORATION COMMISSION

DATE:

MAY 6, 2011

2011 MAY - 6 A 10: 06

DOCKET NO .:

T-04038A-08-0117

Z CORP COMMISSION DOCKET CONTROL

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Marc Stern. The recommendation has been filed in the form of an Order on:

> ATMC, INC. (CANCEL CC&N)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

MAY 16, 2011

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

MAY 24, 2011 and MAY 25, 2011

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

Arizona Corporation Commission

DOCKETED

MAY 6 2011

DOCKETED BY

EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET; PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET; TUCSON, ARIZONA 85701-1347 www.azcc.gov

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

3 GARY PIERCE - Chairman **BOB STUMP** 4 SANDRA D. KENNEDY PAUL NEWMAN 5 BRENDA BURNS

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IN THE MATTER OF THE APPLICATION OF ATMC, INC. TO CANCEL ITS CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE COMPETITIVE RESOLD INTEREXCHANGE TELECOMMUNICATIONS

DOCKET NO. T-04038A-08-0117 DECISION NO.

ORDER

SERVICES WITHIN THE STATE OF ARIZONA.

10 Open Meeting 11

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May 24 and 25, 2011Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

- Pursuant to Decision No. 64721 (April 17, 2002), ATMC, Inc. ("ATMC" or 1. "Company") was granted a Certificate of Convenience and Necessity ("Certificate") to provide resold interexchange telecommunications services in Arizona.
- 2. On February 28, 2008, the Company filed with the Commission an application for the cancellation of its Certificate ("Application"). ATMC stated that it had not provided service in Arizona for several years, and is withdrawing all tariffs and certifications for doing business in Arizona.
- 3. On November 22, 2010, the Commission's Utilities Division ("Staff") filed its Staff Report recommending approval of ATMC's Application.
- 4. Staff states that the Company did not collect advances, deposits and/or prepayments from Arizona customers.
- 5. Staff reported that there were no customer complaints, inquiries or opinions against the Company and Staff noted that the Commission's Corporations Division had revoked ATMC's

ability to transact business in Arizona on December 12, 2008, for failure to file its annual report. 1 2 6. Staff recommends approval of ATMC's Application and cancellation of the 3 Company's Certificate. 4 7. Staff's recommendations are reasonable and should be adopted. 5 **CONCLUSIONS OF LAW** 6 1. The Company is a public service corporation within the meaning of Article XV of the 7 Arizona Constitution and A.R.S. §§ 40-281 and 40-282. 2. 8 The Commission has jurisdiction over the Company and the subject matter of the Application. 10 3. The cancellation of the Company's Certificate is in the public interest and the 11 Application should be granted as recommended by Staff. 12 4. Pursuant to A.R.S. § 40-282, the Commission may issue decisions regarding 13 Certificates of Convenience and Necessity for certain telecommunication services without a hearing. 14 5. The requirements of A.A.C. R14-2-1107 should be waived in this case. 15 16 17 18 19 20 21 22 23 24 25 26 . . . 27 28

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ORDER 1 IT IS THEREFORE ORDERED that the Application of ATMC, Inc. for the cancellation of its 2 Certificate of Convenience and Necessity to provide resold interexchange telecommunications 3 services in Arizona is approved, and its Certificate of Convenience and Necessity is hereby cancelled. 4 5 IT IS FURTHER ORDERED that ATMC, Inc. is hereby granted a waiver of A.A.C. R14-2-1107. 6 IT IS FURTHER ORDERED that this Decision shall become effective immediately. 7 BY ORDER OF THE ARIZONA CORPORATION COMMISSION. 8 9 COMMISSIONER CHAIRMAN 10 11 12 COMMISSIONER COMMISSIONER COMMISSIONER 13 14 IN WITNESS WHEREOF, I, ERNEST G. JOHNSON, 15 Executive Director of the Arizona Corporation Commission. have hereunto set my hand and caused the official seal of the 16 Commission to be affixed at the Capitol, in the City of Phoenix, this day of _____, 2011. 17 18 19 ERNEST G. JOHNSON 20 EXECUTIVE DIRECTOR 21 22 DISSENT 23 24 25 DISSENT MES:db 26 27 28 3

DECISION NO.

1	SERVICE LIST FOR:	ATMC, INC.		
2	DOCKET NO.:	T-04038A-08-0117		
3	Tina Meseberg			
4	Vice President, Operations ATMC, INC.			
5	9045 Haven Avenue, #106 Rancho Cucamonga, CA 91730			
6	Janet Alward, Chief Counsel			
7	Legal Division ARIZONA CORPORATION COM	MISSION		
8	1200 West Washington Street Phoenix, AZ 85007			
9	Steven M. Olea, Director Utilities Division			
10	ARIZONA CORPORATION COM	MISSION		
11	1200 West Washington Street Phoenix, AZ 85007	V.		
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